**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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| Applicants: | Hye-Young LEE | Group Art Unit: 2685 |
| Serial No.: | 09/118,100 | Examiner: Gary, Erika |
| Filed: | July 17, 1998 | Docket: 678-139 (P8415) |

For: **MOBILE TELEPHONE CAPABLE OF DISPLAYING WORLD TIME AND METHOD FOR CONTROLLING THE SAME**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## APPELLANT'S REPLY BRIEF

Sir:

In response to the Examiner's Answer mailed December 22, 2004, Appellant respectfully submits that based on at least the arguments provided in the Appeal Brief of September 30, 2004, Claims 1, 2, 5-8 and 11-12 are patentable over the applied references. The following comments are respectfully submitted in order to address statements made in the Examiner's Answer.

Appellant respectfully submits that a system/method according to the present invention may receive both a reference time and GMT of the physical location of an apparatus; the specification does not exclude such embodiments. However, since the specification does not disclose that the reference time includes both a current local time and the GMT of the physical

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (a)**

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Dated: February 22, 2005

Michael J. Musella

location of the apparatus, Appellant hereby deletes "The reference time, as defined by the specification and the prosecution history, contains a current local time and the GMT of the physical location of the apparatus (S page 4, line 28 – page 5, line 14)" from the section entitled "Summary of Claimed Subject Matter".

First, with respect to the statement in the bridging paragraph of pages 5-6 of the Examiner's Answer that "*Whitmore* teaches that once the reference time is set, the user can select a city and the current local time and date for that location will be automatically indicated to the user [col. 8, lines 29-45; col. 13, lines 38-46]", Appellant respectfully disagrees. In *Whitmore*, **all** of the current local time, date and geographical location are inputted by the user and the current local time and date are **not** automatically calculated based on the selected city. For instance, the celestial time piece assembly is set "through the **input of a current local time date** and geographical location **by manipulation of the various activating buttons**." See *Whitmore* at column 13, lines 16-21. The statement in *Whitmore* that "both the current local time and date for that geographical location will automatically be input and/or indicated by appropriate control buttons 24 and 30" (column 13, lines 43-46) refers to the afore-mentioned "**input of a current local time, date** and geographical location **by manipulation of the various activating buttons**" where, for example, a geographical indicator name can be scrolled through a series of displayed city names presented on the central display area and entering a selected city. See *Whitmore* at column 13, lines 37-43. In *Whitmore*, **all** of the current local time, date and geographical location are **inputted by the user** and the current local time and date are **not** automatically calculated based on the selected city.

Second, with respect to the statement in the first full paragraph of page 6 of the Examiner's Answer that "Whitmore impliedly uses the difference between the GMT of selected location and the GMT of the present invention . . . to calculate a time of the selected location," Appellant respectfully disagrees. Contrary to such statement, *Whitmore* discloses that **all** of the current local time, date and geographical location are **inputted by the user**. Thus, *Whitmore* does **not** impliedly use the difference between the GMT of selected location and the GMT of the present location . . . to calculate a time of the selected location."

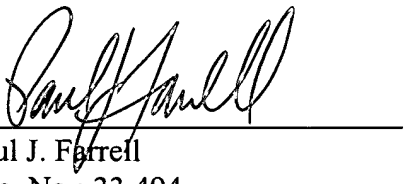
In order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.

The Examiner has failed to show that all of the recitations of Claim 1 are taught in or suggested by the prior art. The Examiner has failed to make out a prima facia case for an obviousness rejection.

As noted, Claims 2, 5, 6-8, 11 and 12 stand or fall together with independent Claim 1 and are thus also allowable.

Independent Claims 1 and 6 are not rendered unpatentable by Whitmore in view of Klausner. Thus Claims 1, 2, 5-8, 11 and 12 are allowable.

Dated: February 22, 2005

By: 

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